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SNELL & WILMER LLP 1920 MAIN STREET SUITE 1200 IRVINE, CA 92614-7230			NAHAR, QAMRUN	
			ART UNIT	PAPER NUMBER
			2191	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,324

Applicant(s)

KUSUDA ET AL.

Examiner

Qamrun Nahar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 2/4/05.
2. The objection to the specification is withdrawn in view of applicant's amendment.
3. The rejection under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention to claims 13 and 16 is withdrawn in view of applicant's amendment.
4. Claims 1, 11, 13, 14 and 16 have been amended.
5. Claims 19-20 have been added.
6. Claims 1-20 are pending.
7. Claims 1-3, 9-12 and 14-15 stand finally rejected under 35 U.S.C. 102(b) as being anticipated by Maeda et al. (EP 0 905 608 A1) (hereinafter, "Maeda").
8. Claims 4, 6-8, 13, 16 and 18 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda in view of Davis (U.S. 5,862,393).
9. Claims 5 and 17 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda in view of Davis (U.S. 5,862,393), and further in view of Danforth (U.S. 5,493,680).

Response to Amendment

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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11. Claims 1-3, 9-12 and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Maeda et al. (EP 0 905 608 A1) (hereinafter, "Maeda").

Per Claim 1 (Amended):

The Maeda publication discloses:

- **an uninstall control apparatus connected with a master device and for controlling a process for uninstalling control software from the master device, the control software being used by the master device for controlling one or more slave devices a system consisting of the master device and the one or more of slave devices ("control method of a composite apparatus", column 3, lines 12-24)**
- **timing means for, if one of the slave devices is disconnected from the system, measuring elapsed time since the disconnection of the disconnected slave device (column 8, lines 16-44; column 11, lines 1-9; and see Figure 5C)**
- **timing control means for controlling the timing for uninstalling control software for the disconnected slave device; and uninstall means for uninstalling the control software for the disconnected slave device under the control of the timing control means, wherein the timing control means controls the uninstall means to start uninstalling after the measured elapsed time reaches a first predetermined time, if the disconnected slave device is not reconnected to the system before the measured elapsed time reaches the first predetermined time; and**

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the disconnected slave device does not comprise the uninstall control apparatus (column 8, lines 20-37; Maeda teaches elapsed time intervals; voltage change is another criteria that is used, i.e., Figure 5B shows a graph voltage vs. time. The controller is not part of the slave device, the controller is part of the PC 102.).

Per Claim 2:

The Maeda publication discloses:

- **wherein the disconnection/reconnection of the slave device from the system is detected by a bus reset signal generated following the disconnection/reconnection** (column 8, lines 16-44).

Per Claim 3:

The Maeda publication discloses:

- **wherein the uninstall process executed by the uninstall means includes a plurality of stages, and the timing control means controls the uninstall means to execute each of the plurality of stages in response to the elapsed time measured by the timing means** (column 8, lines 16-44; the actual uninstallation occurs in interval T3, but the uninstallation process starts in interval T1).

Per Claim 9:

The Maeda publication discloses:

- wherein the timing control means controls the uninstall means to execute each of the plurality of stages at a predetermined time set for the stage, wherein the uninstall control apparatus further comprises: updating means for updating the first predetermined time and at least one of the predetermined times set for the plurality stages in accordance with external designation (column 13, lines 6-11 and column 9, lines 6-10; updating head information).

Per Claim 10:

The Maeda publication discloses:

- update information reception means for receiving update information on control software, wherein when the update information reception means receives update information on control software and disconnection of the slave device corresponding to the control software is detected for the first time after receiving the update information, the timing control means controls the uninstall means to execute the uninstall process without controlling the process based on the elapsed time (column 13, lines 6-11 and column 9, lines 6-10; updating head information).

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Per Claim 11 (Amended):

This is a method version of the claimed apparatus discussed above (claims 1 and 2), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Maeda.

Per Claim 12:

This is a method version of the claimed apparatus discussed above, claim 3, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Maeda.

Per Claim 14 (Amended):

This is a computer-readable recording medium version of the claimed apparatus discussed above (claims 1 and 2), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Maeda.

Per Claim 15:

This is a computer-readable recording medium version of the claimed apparatus discussed above, claim 3, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Maeda.

Per Claim 19 (New):

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The Maeda publication discloses:

- wherein none of the one or more slave devices comprises the uninstall control apparatus
(column 11, lines 48-58 to column 12, lines 1-20).

Per Claim 20 (New):

The Maeda publication discloses:

- wherein the master device comprises the uninstall control apparatus (column 11, lines 48-58 to column 12, lines 1-20).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 4, 6-8, 13, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda in view of Davis (U.S. 5,862,393).

Per Claim 4:

The rejection of claim 3 is incorporated, and further, Maeda does not explicitly teach restoration means for restoring data modified in the uninstall process, wherein the timing control

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means, when the reconnection of the slave device is detected before the uninstall means completes the uninstall process, stops the uninstall process by the uninstall means and gives the restoration means an instruction to restore the data modified by the time when the reconnection is detected to a state before starting of the uninstall process. Davis teaches restoration means for restoring data modified in the uninstall process, wherein the timing control means, when the reconnection of the slave device is detected before the uninstall means completes the uninstall process, stops the uninstall process by the uninstall means and gives the restoration means an instruction to restore the data modified by the time when the reconnection is detected to a state before starting of the uninstall process (column 3, lines 38-49 and column 9, lines 5-17).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the apparatus disclosed by Maeda to include restoration means for restoring data modified in the uninstall process, wherein the timing control means, when the reconnection of the slave device is detected before the uninstall means completes the uninstall process, stops the uninstall process by the uninstall means and gives the restoration means an instruction to restore the data modified by the time when the reconnection is detected to a state before starting of the uninstall process using the teaching of Davis. The modification would be obvious because one of ordinary skill in the art would be motivated to retain device configuration information (Davis, column 2, lines 21-32).

Per Claim 6:

The rejection of claim 4 is incorporated, and Maeda further teaches wherein the uninstall process executed by the uninstall means includes a stage for deleting registration information on

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the control software being the target for the uninstall process, the registration information being generated at the time when the control software was installed, and the timing control means controls the uninstall means to delete the registration information when the elapsed time reaches a third predetermined time (column 11, lines 1-16 and column 9, line 29 to column 10, line 36).

Per Claim 7:

The rejection of claim 4 is incorporated, and Maeda further teaches storage means for storing installed control software, wherein the uninstall process executed by the uninstall means includes a stage for deleting the control software being the target for the uninstall process from the storage means, and the timing control means controls the uninstall means to delete the control software from the storage means when the elapsed time reaches a fourth predetermined time (column 11, lines 1-16 and see Figure 9).

Per Claim 8:

The rejection of claim 7 is incorporated, and Maeda further teaches acquisition means for acquiring control software and storing the control software in both auxiliary storage means and the storage means, wherein the uninstall process executed by the uninstall means includes a stage for deleting the control software from the auxiliary storage means, and the timing control means controls the uninstall means to delete the control software from the auxiliary storage means when the elapsed time reaches a fifth predetermined time (column 11, lines 1-38; and column 16, lines 18-27).

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Per Claim 13 (Amended):

This is a method version of the claimed apparatus discussed above, claim 4, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above.

Thus, accordingly, this claim is also obvious.

Per Claim 16 (Amended):

This is a computer-readable recording medium version of the claimed apparatus discussed above, claim 4, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Per Claim 18:

The rejection of claim 6 is incorporated, and Maeda further teaches storage means for storing installed control software, wherein the uninstall process executed by the uninstall means includes a stage for deleting the control software being the target for the uninstall process from the storage means, and the timing control means controls the uninstall means to delete the control software from the storage means when the elapsed time reaches a fourth predetermined time (column 11, lines 1-16 and see Figure 9).

14. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda in view of Davis (U.S. 5,862,393), and further in view of Danforth (U.S. 5,493,680).

Per Claim 5:

The rejection of claim 4 is incorporated, and further, the combination of Maeda and Davis does not explicitly teach wherein the control software to be uninstalled is described in an object-oriented language, the uninstall process executed by the uninstall means includes a stage for unloading classes which was loaded at the time when the control software was installed, and the timing control means controls the uninstall means to unload the classes when the elapsed time reaches a second predetermined time. Danforth teaches wherein the control software to be uninstalled is described in an object-oriented language, the uninstall process executed by the uninstall means includes a stage for unloading classes which was loaded at the time when the control software was installed, and the timing control means controls the uninstall means to unload the classes when the elapsed time reaches a second predetermined time (column 22, lines 19-24; teaches unloading the classes).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the apparatus disclosed by the combination of Maeda and Davis to include wherein the control software to be uninstalled is described in an object-oriented language, the uninstall process executed by the uninstall means includes a stage for unloading classes which was loaded at the time when the control software was installed, and the timing control means controls the uninstall means to unload the classes when the elapsed time reaches a second predetermined time using the teaching of Danforth. The modification would be obvious because one of ordinary skill in the art would be motivated to maintain and reuse driver code.

Per Claim 17:

The rejection of claim 5 is incorporated, and Maeda further teaches storage means for storing installed control software, wherein the uninstall process executed by the uninstall means includes a stage for deleting the control software being the target for the uninstall process from the storage means, and the timing control means controls the uninstall means to delete the control software from the storage means when the elapsed time reaches a fourth predetermined time (column 11, lines 1-16 and see Figure 9).

Response to Arguments

15. Applicant's arguments filed on 2/4/05 have been fully considered but they are not persuasive.

In the remarks, the applicant argues that:

a) Claims 1-3, 9- 12 and 14-15 were rejected under 35 U.S.C. §102(b) as being anticipated by Maeda et al. (EP 0905608A1, hereinafter "Maeda"). Claims 4, 6-8, 13, 16, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Maeda in view of Davis (US 5862393). Claims 5 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Maeda in view of Davis, and further in view of Danforth (US 5493680). The applicant respectfully traverses these rejections at least because the cited references do not, taken individually or in combination, teach, suggest, or motivate all the recitations of any of the rejected claims.

The present invention ...

Maeda does discuss three time intervals ...

It should also be noted that it is the controller in the peripheral device which counts the interval $T2+T3$, but the host computer that performs driver uninstallation. The host computer reacts to voltage changes on the signal line, not to elapsed time intervals.

Since Maeda counts a time interval to determine when to initiate installation of a driver rather than when to initiate uninstallation, it does not anticipate any claim reciting that elapsed time since disconnection be used to initiate uninstallation. Moreover, none of the other cited references make up for the inadequacy of Maeda in regard to such a recitation, and thus the cited references do not obviate any claims that include such a recitation. As will be seen in the following paragraphs, all the pending claims include such a recitation so are not anticipated or obviated by the cited references.

Claim 1 recites in part: "the timing control means controls the uninstall means to start uninstalling after the measured elapsed time reaches a first predetermined time, if the disconnected slave device is not reconnected to the system before the measured elapsed time reaches the first predetermined time." ...

Claim 1 also recites: (a) that the uninstall control apparatus is connected with a master device; (b) that the control apparatus comprises the timing control means and the uninstall means controlled by the timing control means; and (c) that the timing control means controls the ... In Maeda, the controller is part of the slave device, and the timing discussed also occurs in the slave device. As such, Maeda does not anticipate any of claims 1, 11 and 14.

Examiner's response:

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a) Examiner strongly disagrees with applicant's assertion that Maeda fails to disclose the claimed limitations recited in claims 1, 11 and 14. Maeda clearly shows each and every limitation in claims 1, 11 and 14.

Maeda teaches timing control means for controlling the timing for uninstalling control software for the disconnected slave device; and uninstall means for uninstalling the control software for the disconnected slave device under the control of the timing control means, wherein the timing control means controls the uninstall means to start uninstalling after the measured elapsed time reaches a first predetermined time, if the disconnected slave device is not reconnected to the system before the measured elapsed time reaches the first predetermined time; and the disconnected slave device does not comprise the uninstall control apparatus (column 8, lines 20-37; Maeda teaches elapsed time intervals; voltage change is another criteria that is used, i.e., Figure 5B shows a graph voltage vs. time. The controller is not part of the slave device, the controller is part of the PC 102.).

In addition, see the rejection above in paragraph 11 for rejection to claims 1, 11 and 14.

In the remarks, the applicant argues that:

b) Claim 3 recites in part: "the uninstall process executed by the uninstall means includes a plurality of stages, and the timing control means controls the uninstall means to execute each of the plurality of stages in response to the elapsed time measured by the timing means." The Office Action asserts that claim 3 is anticipated by Maeda, and particularly by column 8, lines 16-44 of Maeda. However, that portion of Maeda discusses figure 5C of Maeda, i.e. the voltage wave form of the signal line resulting from the action of the controller to cause the host computer to

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think the peripheral device is disconnected. Although it breaks the waveform up into intervals, those intervals are not part of a process including stages which are each executed in response to a measured amount of elapsed time. Maeda describes uninstallation as occurring within the interval T3, i.e. as a single stage. As such, claim 3 is not anticipated by Maeda, nor are any claims dependent on claim 3.

Examiner's response:

b) Examiner strongly disagrees with applicant's assertion that Maeda fails to disclose the claimed limitations recited in claim 3. Maeda clearly shows each and every limitation in claim 3.

Maeda teaches wherein the uninstall process executed by the uninstall means includes a plurality of stages, and the timing control means controls the uninstall means to execute each of the plurality of stages in response to the elapsed time measured by the timing means (column 8, lines 16-44; the actual uninstallation occurs in interval T3, but the uninstallation process starts in interval T1).

In addition, see the rejection above in paragraph 11 for rejection to claim 3.

In the remarks, the applicant argues that:

c) Similarly, claims 12 and 15 recite in part: "the uninstall step includes a plurality of stages, and each of the plurality of stages are executed when the elapsed time reaches a predetermined time preset for the stage. As with claim 1, despite the assertions by the Office Action, Maeda describes uninstallation as occurring within the interval T3, i.e. as a single stage. Moreover, Maeda does not teach executing each of a plurality of stages when the elapsed time reaches a

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predetermined time preset for the stage as it does not teach presetting a time for each stage of a plurality of stages. As such, claims 12 and 15 are not anticipated by Maeda, nor are any claims dependent on claims 12 and 15.

Examiner's response:

c) The Examiner has already addressed the applicant's arguments regarding plurality of stages in the Examiner's Response (b) above. In addition, see the rejection above in paragraph 11 for rejection to claims 12 and 15.

In the remarks, the applicant argues that:

d) Claim 4 recited in part: "the timing control means, when the reconnection of the slave device is detected before the uninstall means completes the uninstall process, stops the uninstall process by the uninstall means and gives the restoration means an instruction to restore the data modified by the time when the reconnection is detected to a state before starting of the uninstall process." The Office Action asserts that Davis satisfies this recitation ... More specifically, Davis does not contemplate uninstallation of control software on disconnection of a device and thus cannot teach, suggest, or motivate stopping a process which it does not use.

Moreover, the claim recites restoration of data modified in the uninstall process.

Although Davis does discuss supplying device information from the device driver to the device, the device information provided is not data modified in the uninstall process. Once again, Davis does not have a process for uninstalling slave device control software. As such, it cannot restore data modified in a process that it doesn't have.

Similarly, claims 13 and 16 recite in part: " a restoration step for, when reconnection of the disconnected slave device is detected during the uninstall step, stopping the uninstalling and restoring data modified in the stages having been executed by the time when the reconnection is detected to a state before starting of the uninstalling." As with claim 4, the recitations of claims 13 and 16 are not anticipated or obviated by Davis.

As the Office Action acknowledges, the recitations of claims 4, 13, and 16 are not satisfied by Maeda, and as the foregoing paragraphs show that the inadequacy of Maeda in not overcome by combining it with Davis, claims 4, 13, and 16 are patentable over the cited references as are any claims dependent on claim 4, claim 13, or claim 16.

Examiner's response:

d) Examiner strongly disagrees with applicant's assertion that the combination of Maeda and Davis fails to teach the claimed limitations recited in claims 4, 13 and 16. The combination of Maeda and Davis shows each and every limitation in claims 4, 13 and 16.

Davis teaches restoration means for restoring data modified in the uninstall process, wherein the timing control means, when the reconnection of the slave device is detected before the uninstall means completes the uninstall process, stops the uninstall process by the uninstall means and gives the restoration means an instruction to restore the data modified by the time when the reconnection is detected to a state before starting of the uninstall process (column 3, lines 38-49 and column 9, lines 5-17).

In addition, see the rejection above in paragraph 13 for rejection to claims 4, 13 and 16.

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In the remarks, the applicant argues that:

e) Claim 5 recites in part: "the control software to be uninstalled is described in an object-oriented language, the uninstall process executed by the uninstall means includes a stage for unloading classes which was loaded at the time when the control software was installed, and the timing control means controls the uninstall means to unload the classes when the elapsed time reaches a second predetermined time." The Office Action incorrectly asserts that a combination of Maeda, Davis, and Danforth obviates claim 5, and in particular relies on column 22, lines 19-24 of Danforth. That portion of Danforth describes a "somUnregisterclass" method which unloads a specified class file and removes the class from the SOM registry. However, despite the assertion by the Office Action, Danforth does not teach, suggest, or motivate unloading classes after a second pre-determined time when uninstallation of control software began at a first pre-determined time. Moreover, the reason given by the Office Action does not justify the combination of references as maintaining and reusing driver code does not require that the control software be described in an object-oriented language, or that class information be unloaded at a time other than when control software is uninstalled. As such, the cited combination does not obviate claim 5 or any claim dependent on claim 5.

Examiner's response:

e) Examiner strongly disagrees with applicant's assertion that the combination of Maeda, Davis, and Danforth fails to teach the claimed limitations recited in claim 5. The combination of Maeda, Davis, and Danforth clearly shows each and every limitation in claim 5.

Danforth teaches wherein the control software to be uninstalled is described in an object-oriented language, the uninstall process executed by the uninstall means includes a stage for unloading classes which was loaded at the time when the control software was installed, and the timing control means controls the uninstall means to unload the classes when the elapsed time reaches a second predetermined time (column 22, lines 19-24; teaches unloading the classes).

In addition, see the rejection above in paragraph 14 for rejection to claim 5.

In the remarks, the applicant argues that:

f) Claim 6 recites in part: "the uninstall process executed by the uninstall means includes a stage for deleting registration information on the control software being the target for the uninstall process, the registration information being generated at the time when the control software was installed, and the timing control means controls the uninstall means to delete the registration information when the elapsed time reaches a third predetermined time." The Office Action asserts that recitations of claim 6 are taught in column 11, lines 1-16 of Maeda. However, that portion of Maeda discusses clearing a driver in response to a change in voltage on a signal line. It does not does not teach, suggest, or motivate deletion of registration information after a third pre-determined time when uninstallation of control software began at a first pre-determined time. As such, the cited combination does not obviate claim 6 or any claim dependent on claim 6.

Examiner's response:

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f) Examiner strongly disagrees with applicant's assertion that the combination of Maeda and Davis fails to teach the claimed limitations recited in claim 6. The combination of Maeda and Davis clearly shows each and every limitation in claim 6.

Maeda teaches wherein the uninstall process executed by the uninstall means includes a stage for deleting registration information on the control software being the target for the uninstall process, the registration information being generated at the time when the control software was installed, and the timing control means controls the uninstall means to delete the registration information when the elapsed time reaches a third predetermined time (column 11, lines 1-16 and column 9, line 29 to column 10, line 36).

In addition, see the rejection above in paragraph 13 for rejection to claim 6.

In the remarks, the applicant argues that:

g) Claim 8 recites in part: "acquisition means for acquiring control software and storing the control software in both auxiliary storage means and the storage means, wherein the uninstall process executed by the uninstall means includes a stage for deleting the control software from the auxiliary storage means, and the timing control means controls the uninstall means to delete the control software from the auxiliary storage means when the elapsed time reaches a first predetermined time." The Office Action asserts that the recitations of claim 8 are taught by column 11, lines 1-38 of Maeda. That portion of Maeda discusses clearing a driver to free up memory, and also installing a new driver from a removable media. However, it does not teach deleting the control software from the removable media, or from any storage means other than

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memory. Since it does not, even in combination with Davis, teach deletion from two storage means, it does not obviate claim 8.

Examiner's response:

g) Examiner strongly disagrees with applicant's assertion that the combination of Maeda and Davis fails to disclose the claimed limitations recited in claim 8. The combination of Maeda and Davis clearly shows each and every limitation in claim 8.

Maeda teaches acquisition means for acquiring control software and storing the control software in both auxiliary storage means and the storage means, wherein the uninstall process executed by the uninstall means includes a stage for deleting the control software from the auxiliary storage means, and the timing control means controls the uninstall means to delete the control software from the auxiliary storage means when the elapsed time reaches a fifth predetermined time (column 11, lines 1-38; and column 16, lines 18-27).

In addition, see the rejection above in paragraph 13 for rejection to claim 8.

In the remarks, the applicant argues that:

h) Claim 9 recites in part: "wherein the timing control means controls the uninstall means to execute each of the plurality of stages at a predetermined time set for the stage, wherein the uninstall control apparatus further comprises: updating means for updating the first predetermined time and at least one of the predetermined times set for the plurality of stages in accordance with external designation." The Office Action asserts that this is anticipated by the disclosure of Maeda found in column 13, lines 6-11. However, that portion of Maeda discusses

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causing the host computer to install driver software by forcing an uninstallation and installation cycle. It doesn't teach, suggest, or motivate updating two pre-determined times, where said pre-determined times are used to determine when different stages of an uninstall process begin. As such, Maeda does not anticipate claim 9.

Examiner's response:

h) Examiner strongly disagrees with applicant's assertion that Maeda fails to disclose the claimed limitations recited in claim 9. Maeda clearly shows each and every limitation in claim 9.

Maeda teaches wherein the timing control means controls the uninstall means to execute each of the plurality of stages at a predetermined time set for the stage, wherein the uninstall control apparatus further comprises: updating means for updating the first predetermined time and at least one of the predetermined times set for the plurality stages in accordance with external designation (column 13, lines 6-11 and column 9, lines 6-10; updating head information).

In addition, see the rejection above in paragraph 11 for rejection to claim 9.

In the remarks, the applicant argues that:

i) Claim 10 recites in part: "update information reception means for receiving update information on control software, wherein when the update information reception means receives update information on control software and disconnection of the slave device corresponding to the control software is detected for the first time after receiving the update information, the timing control means controls the uninstall means to execute the uninstall process without

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controlling the process based on the elapsed time." The Office Action asserts that the recitations of claim 10 are anticipated by column 13, lines 6-11 of Maeda. That portion of Maeda does discuss forcing an uninstallation and installation cycle if a program on the peripheral device is updated. However, that cycle is performed in the same manner as it is when the program on the peripheral device is not update. It does not teach or suggest modifying the control apparatus to operate differently depending on whether update information on control software has been received or not. More particularly, it doesn't contemplate controlling uninstallation such that uninstallation only occurs after a pre-determined time if update information has not been received, and occurs regardless of whether a pre-determined time has elapsed if update information has been received. As such, Maeda does not anticipate claim 10.

Examiner's response:

- i) Examiner strongly disagrees with applicant's assertion that Maeda fails to disclose the claimed limitations recited in claim 10. Maeda clearly shows each and every limitation in claim 10.

Maeda teaches update information reception means for receiving update information on control software, wherein when the update information reception means receives update information on control software and disconnection of the slave device corresponding to the control software is detected for the first time after receiving the update information, the timing control means controls the uninstall means to execute the uninstall process without controlling the process based on the elapsed time (column 13, lines 6-11 and column 9, lines 6-10; updating head information).

In addition, see the rejection above in paragraph 11 for rejection to claim 10.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

17. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Fridays from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or processing is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QN
June 13, 2005



TUAN DAM
SUPERVISORY PATENT EXAMINER